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PRATT & WHITNEY CANADA CORP.

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORI REZABEK-KELLS,
individually, as Successor-in-Interest,
as Personal Representative of the
Estates of PAUL KELLS and
CONNOR KELLS, deceased, and as
GUARDIAN AD LITEM for
MARGARET KELLS and LAUREN
KELLS, minors,

DONALD RUETZ, individually, as
Successor-in-Interest, and as Personal
Representative of the Estates of
CYNTHIA RUETZ, RAYMOND
RUETZ, and TYLER RUETZ,
deceased, VANESSA GERMANI,
DANIEL NELSON and DONALD
NELSON, individually and as
Successors-in-Interest of the Estate of
CYNTHIA RUETZ,

Plaintiffs,

vs.

PILATUS AIRCRAFT, LTD.,
PILATUS BUSINESS AIRCRAFT,
LTD., PRATT & WHITNEY
CANADA CORP., GG AIRCRAFT
LLC, DOES 1-25,

Defendants.

FILED

AUG 7 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FAXED

CASE NO. 08

3795

[Removal from Superior Court of
California for the County of San
Francisco, Case No. CGC-07-465132]

**NOTICE OF PENDENCY OF
OTHER ACTION OR
PROCEEDING**

[Pursuant to Northern District Local
Rule 3-13]

1 TO THE CLERK OF THE NORTHERN DISTRICT COURT OF CALIFORNIA
2 AND TO PLAINTIFFS AND THEIR COUNSEL:

3 PLEASE TAKE NOTICE that the instant action, removed to this Court by
4 the concurrently filed Notice of Removal, involves a material part of the same
5 subject matter and substantially all of the same parties as a pending action in the
6 United States District Court for the Northern District of California, Case No. C-07-
7 4902-MEJ (George Gund III, et al. v. Pilatus Aircraft, LTD., et al.) (hereinafter,
8 "Gund v. Pilatus"), filed July 13, 2007.

9 The instant case is closely related to the Gund v. Pilatus action because it
10 arises from the same incident, a July 16, 2007 aircraft accident involving a Pilatus
11 PC-6 aircraft, serial no. 908, and FAA Registration No. N908PL, near Playa
12 Flamingo, Costa Rica. The two cases have been filed by the successors-in-interest
13 and heirs of the deceased passengers and pilot on the flight. Additionally, the same
14 three central defendants were initially named within each case, and removing party
15 P&WC remains a defendant in both cases.

16 As such, the two cases will involve substantially the same evidence,
17 witnesses, and legal issues. Thus, the two cases should be coordinated to avoid
18 potential conflicts, to conserve judicial resources and to promote the efficient
19 determination of the action.

20
21 DATED: August 7, 2008

MENDES & MOUNT, LLP

22
23 By: 

24 Garth W. Aubert
25 Attorneys for Defendant
26 **PRATT & WHITNEY**
27 **CANADA CORP.**
28

PROOF OF SERVICE

1
2 **STATE OF CALIFORNIA** } **Kells v. Pilatus Aircraft, Ltd.**
3 **COUNTY OF LOS ANGELES** } ss. **SFSC Case No. CG-07-465132**
4 **Our File No. 390,583**

5 I am employed in the County of Los Angeles, State of California. I am over
6 the age of 18 and not a party to the within action; my business address is 445 S.
7 Figueroa Street, Suite 3800, Los Angeles, California 90071.

8 On **August 7, 2008**, I served the document described as **NOTICE OF**
9 **PENDENCY OF OTHER ACTION OR PROCEEDING** on the interested
10 parties in this action, as follows:

SEE ATTACHED SERVICE LIST

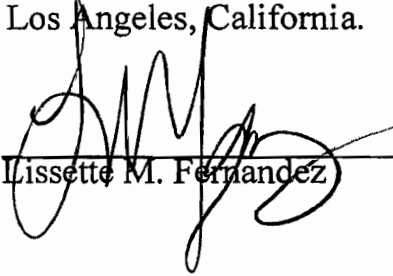
11 **X** **(By U.S. Mail)** By placing _____ the original / **X** a true copy thereof
12 enclosed in a sealed envelope, with postage fully paid, addressed as per the
13 attached service list, for collection and mailing at Mendes & Mount in Los
14 Angeles, California following ordinary business practices. I am readily
15 familiar with the firm's practice of collection and processing correspondence
16 for mailing. Under that practice it would be deposited with U.S. postal service
17 on that same day with postage thereon fully prepaid at Los Angeles, California
18 in the ordinary course of business. I am aware that on motion of the party
19 served, service is presumed invalid if postal cancellation date or postage meter
20 date is more than one day after the date of deposit for mailing in affidavit.

21 _____ **(By Facsimile)** I transmitted from a facsimile transmission machine whose
22 telephone number is (213) 955-7725 the above-entitled document to the
23 parties listed on the attached Service List and whose facsimile transmission
24 machine telephone number is indicated. The above-described transmission
25 was reported as complete without error by a transmission report issued by the
26 facsimile transmission machine upon which the said transmission was made
27 immediately following the transmission. A true and correct copy of the said
28 transmission report is attached hereto and incorporated herein by this
reference.

21 _____ **(By FedEx)** I placed the above-entitled document in a FedEx (Overnight)
22 envelope/pouch as addressed and indicated on the attached service list, with
23 delivery fees paid or provided for and deposited in a facility regularly
24 maintained by the express service carrier or delivered to a courier or driver
25 authorized to receive documents on its behalf.

24 **X** **(FEDERAL)** I declare that I am employed in the office of a member of the
25 bar of this Court at whose direction the service was made.

26 Executed on **August 7, 2008**, at Los Angeles, California.

27
28 
Lissette M. Fernandez

SERVICE LIST

VIA U.S. Mail

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